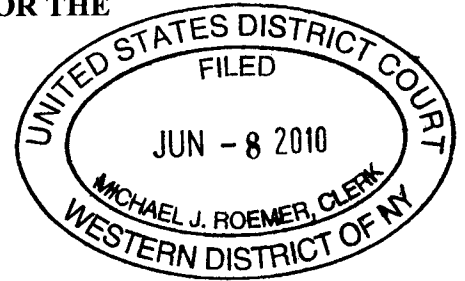


IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK



EASTMAN KODAK COMPANY,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 6:10-CV-06022

JURY TRIAL DEMANDED

STIPULATED SCHEDULING ORDER

Pursuant to the Court's March 25, 2010 Order, Plaintiff Eastman Kodak Company ("Kodak") and Defendant Apple Inc. ("Apple") jointly submitted a Proposed Discovery Plan for the above-identified action on May 26, 2010 (Dkt. No. 24) and participated in a scheduling conference before the Honorable Jonathan W. Feldman on June 2, 2010. The parties have reached agreement on a proposed scheduling order and respectfully request entry thereof as follows:

I. POSITION CONCERNING 28 U.S.C. § 636(c)

The parties do not unanimously consent to Magistrate Judge jurisdiction.

II. DEADLINE FOR COMPLYING WITH FED. R. CIV. P. 26(a)(1)

Rule 26(a)(1) initial disclosures must be made by **July 1, 2010**.

III. DEADLINE FOR FILING MOTIONS TO AMEND THE PLEADINGS OR ADD PARTIES

The deadline for filing motions to amend the pleadings or to add parties is **November 30, 2010**.

IV. DEADLINE FOR COMPLETION OF FACT DISCOVERY

All fact discovery shall be completed by **April 29, 2011**. All discovery requests must be served so as to be completed by this deadline.

V. EXPERT DISCOVERY SCHEDULE

Expert discovery pursuant to Rule 26(a)(2) shall occur as follows:

A. Deadline for Disclosure of Experts

The identity of any proposed expert witnesses must be disclosed by **March 4, 2011**.

B. Deadline for Opening Expert Reports

Expert reports on those issues for which the party has the burden of proof will be exchanged **thirty (30) days** following the Court's ruling on claim construction issues.

C. Deadline for Rebuttal Expert Reports

Rebuttal expert reports will be exchanged **thirty (30) days** following the initial expert reports.

D. Deadline for the Completion of Expert Discovery

All expert discovery, including any depositions of experts, shall be completed within **thirty (30) days** following the exchange of rebuttal expert reports.

VI. DEADLINE FOR FILING MOTIONS TO COMPEL DISCOVERY

Any motion to compel discovery shall be filed **thirty (30) days** prior to the close of fact discovery.

VII. PROTECTIVE ORDER PURSUANT TO FED. R. CIV. P. 26(c)

The parties must submit a proposed protective order governing the production and use of confidential information in this case for the Court's consideration no later than **July 16, 2010**.

VIII. CHANGES TO ANY DISCOVERY LIMITATIONS

The following changes in the current limitations on discovery set in Fed. R. Civ. P. 30 (depositions), 33 (interrogatories) and 36 (request for admissions), and Local Rule 34 (document requests) shall apply in this case:

A. Number of Depositions

Each party may take up to one hundred and forty (140) hours of depositions, subject to the seven-hour time limit set forth in Fed. R. Civ. P. 30(d)(1). The 140-hour limit includes Rule 30(b)(6) witnesses and non-party witnesses, but excludes experts.

B. Number of Interrogatories

Each party may serve up to eighty (80) interrogatories.

C. Number of Request for Admissions

Each party may serve a maximum of one hundred and fifty (150) substantive requests for admission. Each party may further serve an unlimited number of requests for admission to the extent that such requests are limited to authentication of documents.

D. Number of Document Requests

There shall be no limitation on the number of document requests that each party may serve.

IX. DEADLINE FOR THE FILING OF DISPOSITIVE MOTIONS

The parties agree that the deadline for filing dispositive motions is **thirty (30) days** following the completion of expert discovery (*see* V.D above).

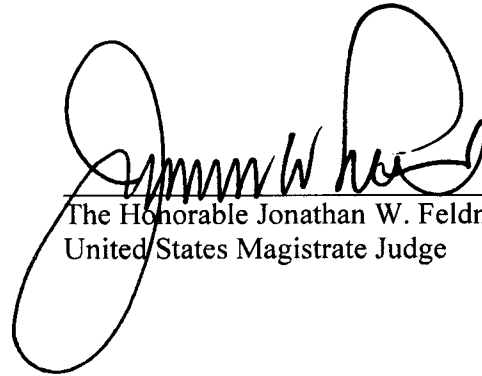
X. ADVICE OF COUNSEL DEFENSE

Any notice of reliance on advice of counsel as a defense to willful infringement and the production of any opinions of counsel shall occur by **February 1, 2011**.

SO ORDERED:

Date: _____

6/8/10

A handwritten signature in black ink, appearing to read 'Jonathan W. Feldman', is written over a horizontal line. The signature is stylized with large loops and a cursive 'J'.

The Honorable Jonathan W. Feldman
United States Magistrate Judge